

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers and Land Surveyors (hereinafter referred to as “the Board”) is proposing to take the action described in the Informative Digest. Any persons interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held **June 14, 2002**, at **9:00 a.m.** at the Board for Professional Engineers and Land Surveyors, 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on **June 10, 2002**, or must be received by the Board at the hearing. The Board upon its own motion, or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice under Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 6716 and 8710 of the Business and Professions Code, and to implement, interpret or make specific Sections 6775 and 8780 of said Code, the Board is considering changes to Division 5 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/PLAIN ENGLISH POLICY STATEMENT OVERVIEW

Adopt Sections 475 and 476, Title 16, California Code of Regulations.

Assembly Bill (AB) 2629 (Chap. 976, Stats. 2000), effective January 1, 2001, amended Business and Professions Code sections 6716, 6775, 8710, and 8780 to authorize the Board for Professional Engineers and Land Surveyors to adopt rules and regulations of professional conduct for professional engineers and professional land surveyors.

By majority vote, the Board may reprove, suspend, or revoke the license of any professional engineer or professional land surveyor pursuant to Section 6775 or 8780 on the grounds that conduct in the course of his or her practice as a professional engineer or professional land surveyor violates professional standards adopted by the Board.

This proposal would adopt the Code of Professional Conduct as a regulation.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: NONE

Nondiscretionary Costs/Savings to Local Agencies: NONE

Local Mandate: NONE

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: NONE

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

The proposed adoption of the Code of Professional Conduct would not place any restrictions on businesses. It would require all licensees to comply with the laws, codes, ordinances, and rules applicable to a project to ensure consumer protection.

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: NONE

Effect on Small Businesses:

While the Board does not license businesses, but only individuals, some of its licensees do offer their professional services through business entities, some of which may be classified as small businesses. Therefore, this regulation will effect any licensee who offers his/her professional services through a small business entity. The Code of Professional Conduct will ensure that professional engineers and professional land surveyors follow general guidelines to safeguard the health, safety, welfare, and property of the public, and ultimately provide consumer protection.

Consideration of Alternatives

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations. Such statements or arguments must be sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice and must be received by the Board at its office no later than 5:00 p.m. on June 10, 2002, or at the above mentioned hearing.

Initial Statement of Reasons and Information

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the initial statement of reasons and all of the information upon which the proposal is based may be obtained upon request from the person designated in this Notice under Contact Person.

Text of Proposal

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the person designated in the Notice under Contact Person.

Availability and Location of the Final Statement of Reasons and Rulemaking File

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person designated in this Notice under Contact Person.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

Contact Person

Inquiries or comments concerning the proposed administrative action and the substance of the proposed rulemaking may be addressed to:

Name:	Donna J. Vaum
Address:	Board for Professional Engineers and Land Surveyors 2535 Capitol Oaks Drive, Suite 300 Sacramento, California, 95833
Telephone No.:	(916) 263-2250
Fax No.:	(916) 263-2246
E-Mail Address:	Donna_Vaum@dca.ca.gov

The backup contact person is:

Name:	Nancy A. Eissler
Address:	Board for Professional Engineers and Land Surveyors 2535 Capitol Oaks Drive, Suite 300 Sacramento, California, 95833
Telephone No.:	(916) 263-2241
Fax No.:	(916) 263-2246
E-Mail Address:	Nancy_Eissler@dca.ca.gov

Website Access: The Notice, exact language of the proposed regulations, the initial statement of reasons, and the final statement of reasons (when prepared) can be found at www.dca.ca.gov/pels.